

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
FEBRUARY 25, 2008**

BOARD MEMBERS PRESENT: Pat Bradley, Dorothy Davis, Kathy Looney, Dave Maddison, Donald Loyd, Eileen Pearce, Ed Ruppel, Laurie Schmidt, John Lounsbury and Ann Schwend.

BOARD MEMBERS ABSENT: Lane Adamson.

STAFF MEMBERS PRESENT: Charity Fechter and Jim Jarvis.

STAFF MEMBERS ABSENT: Marilee Foreman Tucker.

OTHERS PRESENT: Judy Herrick, Rick Donaldson, Duane Thexton, Kevin Germain, Jess Fanelli, Ross Keogh, Shannon J. Marinko, Ben Ellis, Tom Henesh, Kevin Spencer, Ellis Thompson, Greg Eckert, Lisa Eckert, John Thiede, Jeff Laszlo, Jan Murphy, Tobin Backmann, Shylea Wingard and Chris Murphy.

MOTION: To accept the minutes of the February 4, 2008 meeting with corrections. Moved by: Dorothy Davis, seconded by John Lounsbury. All voted aye.

President's Comments: Several Planning Board members attended NAI Conference at Fairmont Hot Springs last week. More to come on this under New Business.

Public Comment: None.

PUBLIC HEARING AND PRELIMINARY PLAT REVIEW OF FRONT 9 PUD SUBDIVISION, BIG SKY, MOONLIGHT BASIN, (LEE POOLE, landowner)

Jim Jarvis gave an overview of the project and directed the Planning Board's attention to the Staff Report Findings. Kevin Germain provided additional information in handouts to the Planning Board and staff. The Planning Board commented on the pro's and con's of the project.

Site Description:

The 289-acre subdivision site is located 15-miles east of Ennis and 2-miles west of the Moonlight Basin Resort main gate. The site, accessed via Reserve Road and Jack Creek Road, is situated along the western boundary of the remaining 8000-acre Moonlight Basin Ranch holding. Legally the tract is described as all of Section 15, and the SW1/4 of Section 10, Township 6 South, and Range 2 East, PMM, Madison County. The irregularly shaped tract includes a golf course and a portion of the Jack Creek watershed. The terrain is characterized by rugged, new growth forests of spruce, fir and pine intermixed with grassy meadows and wetlands. Much of the area was logged within the past 30 years. Adjacent land uses are ranching, logging, and recreational activities. In agreement with the 2007 Moonlight Basin Ranch (MBR) Overall Development Plan (ODP), the subdivision site was specifically chosen to maximize the size and function of a large wildlife corridor, trending north-south, through adjacent MBR property.

Comments/Questions from the Board

- Regarding the wildlife corridor. Where is there any development? *There is no development except on the 4 acre building envelopes on the 160 acre parcels.*
- What is the status of annexation to the Gallatin Canyon Fire Dept.? *There will be a meeting tomorrow in the a.m. and whether to put money into the old station or a new one. Prior to the final plat, they will either be annexed or will have a contract for services with them.*
- What is the status of the hotel? *Still talking to the Ritz Carlton and don't have anything confirmed.*
- What is the reference to the definition of the density entitlement? *The Planning Board made those comments at the pre-application meeting. The definition is being looked at. One hotel unit is considered to be the same as one residential unit.*
- What is the status of the sale of Moonlight? *We are moving slowly forward and are down to two out of the original fourteen.*

- Are you going to use conservation easements or deed restrictions for the remaining parcels? *We are discussing it with interested parties. We are staying out of the wildlife corridor with The Front 9 and are looking at making it permanent protection for the wildlife corridor and 160's.*
- What is being done about traffic safety? *Charity said that the county is looking at a regional transportation study, working with Gallatin County..*
- What is the status of the Jack Creek Road improvements? *The County commissioned a study with 3 options for improving the 3.5 miles of county road ranging from \$150,000 to \$4.5 million. Moonlight has been talking to the Commissioners, but nothing has been decided yet. The \$150,000 would make line of sight improvements. The \$4.5 million option includes widening and new bridges, bringing the entire road up to county standards. .*
- What would the implications be for the section through Moonlight if the county improves the road? *Moonlight section would still be private.*
- Are you talking 145 units in two phases? *Correct. The total site will have 176 units with 60-80 ski-in, ski-out units to the south of The Front 9. We are concentrating on The Front 9 this year and next year. The hotel has 176 units attached to it and is planned for 2011. There are 60-80 ski-in, ski-out units attached to it. In 2009 we would like to do The Madison Village.*

Public Comment- None.

Board Discussion Points

- We are concerned about what happens when Moonlight is sold and is no longer locally owned.
- We are concerned about a wildlife corridor and is it really a wildlife corridor when you have roads, golf carts and 160 acre ranches in it.
- You are talking about minimizing impacts on wildlife when the area wasn't originally planned to be developed. This is a big impact on wildlife.
- We would like to see the wildlife corridor locked up.
- This is a special area and the cumulative impacts on the area are going to affect the wildlife.
- There is concern that the 160 acre parcels have no controls on them.
- Proposed changes in location of development pods will produce direct loss of wildlife. Wildlife may move on to the golf course from the Jack Creek corridor.
- This was a great plan, but I'm not sure I like it anymore.
- The Jack Creek corridor is much more important as a wildlife corridor, than the land in the Bradley Creek subdivision. How can one be approved and the other not? Comparing the two developments is apples and oranges.
- Our votes are a personal choice and if we choose to change our votes, that is perfectly acceptable.
- Moonlight has done a good job, but any development up there is going to have an impact. As it continues to build it becomes less and less palatable or attractive for us from a planning standpoint. Shifting locations may not make a significant difference.
- My main concerns are the 160 acre parcels where there is no control.

PLANNING BOARD RECOMMENDATIONS

Based on the staff analysis and proposed Findings of Fact, the Planning Board recommends preliminary plat approval be granted to The Front 9 PUD subdivision, subject to the conditions listed below.

[Standard conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix T of 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. All road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat.

5. Future modification of any elements shown on the plat may not be made without County review and approval.

[Additional site-specific conditions]

6. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by the Madison County to protect public health and safety on roads leading to the Front 9 PUD subdivision.
7. Prior to final plat approval, temporary physical addresses must be assigned to each lot in accordance with Madison County's rural addressing and Emergency 911 system.
8. Upon completion of road improvements and prior to building construction, a permanent address shall be assigned to each building site. Individual address signs shall be erected at the driveway entrances.
9. In the event that the road, utilities or other required improvements are not completed prior to final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit or other guarantee must cover the time period needed to complete project improvements.
10. The wastewater and stormwater management needs of the development are only generally described within the application. This information represents the minimum level of information required by Appendix N, DEQ Checklist. Full compliance with DEQ sanitation submittal and approval requirements will be requisite before Final Plat approval.

[ODP-specific conditions]

1. Show recent and proposed efforts made toward implementing the Fire management Operations Guide/Fuel Management Plan
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 1 – Fuels Management
Staff Finding: Response sufficient
2. Provide evidence of annexation of that phase into the GCCRFD or providing a similar level of service and protection.
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 2 – GCCRFD Annexation
Staff Finding: Response sufficient
3. Provide report on employee and/or affordable housing opportunities. Moonlight shall address this issue in detail along with each preliminary plat application.
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 3 – Employee Housing
Staff Finding: Response sufficient
4. Jointly participate with other Big Sky area developers in a Madison County-led study to address traffic safety issues on US 191 and MT 64.
Staff Finding: No additional information on comprehensive traffic safety study available. Project still in planning stage.
5. Submit a preliminary phase /site specific geotechnical assessment with each preliminary plat application and a more detailed, site specific evaluation prior to final plat approval.
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 5 – Geotechnical Report (May 2007)
Staff Finding: Response sufficient
6. Submit phase/site specific avalanche information with each preliminary plat application.
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 6 – Avalanche Analysis

Staff Finding: Response sufficient, pending submission of agreed upon supplemental information prior to Planning Board meeting.

7. Submit a phase/site specific cultural resource evaluation with each preliminary plat application.
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 7 – Cultural Resources
Staff Finding: Response sufficient
8. Provide phase and land use specific evaluations of anticipated impacts on wildlife and wildlife habitat as well as evidence of current and proposed steps taken to limit impacts to wildlife and wildlife habitat.
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 8 – Wildlife Update
Staff Finding: Response sufficient, pending submission of agreed upon supplemental information prior to Planning Board meeting.
9. Provide a phase/site specific proposal to limit or prevent impacts to water quality as well as evidence of recent and current steps taken to protect water quality in the form of a DEQ stormwater management plan.
.Refer to The Front 9 PUD Subdivision Application - Appendix T, Land Stewardship Plan.
Staff Finding: Response sufficient. Information provided on water quality and stormwater management commitment. Applicant has committed to a phase specific DEQ submittal pending Planning Board recommendation.
10. Provide a phase/site specific evaluation of impacts to law enforcement resources and proposed measures intended to mitigate those impacts if appropriate.
Refer to The Front 9 PUD Subdivision Application – Appendix V and U
Staff Finding: Response sufficient. Report provided from Department of Emergency Management on response times.
11. Submit a phase/site specific wetland evaluation and 404 permit application
Staff Finding: Response sufficient, pending submission of agreed upon supplemental information prior to Planning Board meeting.
12. The developer shall work with the Forest Service and MT FWP on trails planning and wilderness use.
Refer to The Front 9 PUD Subdivision Application – Supplemental Information
ODP Condition# 12 – Trails Update
Staff Finding: Response sufficient.

[Additional ODP-Specific Notes]

1. At any subdivision phase, Moonlight Basin may be required to provide all or part of an updated environmental assessment, in accordance with the MCSR, to address impacts that emerge and changing conditions.
2. Regarding traffic safety, at some point it may become necessary for Madison County, in response to public safety concerns, to deny subdivision applications in the Big Sky are, including but not limited to Moonlight Basin, until traffic safety improvement have been made.
3. Moonlight Basin is encouraged to further minimize the potential for human/animal conflicts and maximize the opportunity for wildlife connectivity by more heavily clustering its development, removing development pods from high quality habitat and adding density to locations with low quality habitat.
4. Based on the nature of an ODP, it is understood that the distribution of units and commercial real estate is tentative and will be refined as more information is gathered and each planning area goes through the subdivision review process.
5. Moonlight Basin is encouraged to solidify the long term conservation of the 160-acre reserve tracts to protect their utility as a wildlife corridor.
6. Moonlight Basin is encouraged to preserve and protect the central wildlife corridor through appropriate mechanisms to protect its utility as a wildlife corridor.

7. Moonlight is encouraged to share the costs of repair and upgrade of the Madison County portion of Jack Creek Road.

8. The Amended 2007 ODP is for a maximum cap of 1,651 residential units using the residential units and commercial real estate definitions proposed by Moonlight Basin.

MOTION: To recommend approval of the Front 9 PUD Subdivision as presented with staff recommendations. Moved by Don Loyd, seconded by Ed Ruppel. All voted aye. Motion carried.

PRE-APPLICATIONS

BRADLEY CREEK MAJOR SUBDIVISION, located on the West side of US Highway 287 N, 1.5 miles south of Norris (Bradley Creek Ranch, LLC, Owner- by Kevin Spencer)

Jim Jarvis provided an overview of the subdivision. Planning Board members inquired as to how this new proposal compared to the previous submittal. Jim explained that there is a reduction in the size of the project, including the number of lots and number of roads.

Tom Henesh described the project as being a “start-over” with 100 lots down from 160. Agricultural land will be managed by the Homeowners’ Association. There is a contract in place for continued ag production. The western two thirds of the property will have limited grazing for cattle and horses. The water, DEQ, wildlife and traffic studies are being updated. The road along Hard Tack is gone. East side of the highway is under contract to sell. There are no houses within proposed setbacks or the wildlife corridor. There are three driveways to the 160’s. We will propose a variance to allow three houses on two driveways. There will be no building in the wildlife corridor.

Comments/Questions from the Board

- What about doing an ODP? *Charity said that staff recommended that.*
- We would like the 160’s to remain in this proposal so that the covenants will cover them too.
- This is a better proposal and the 160’s are good idea; also like the less road building.
- There are 3.5 miles less roadway at the 24 foot width. There are no roadways next to Burnt Creek.
- Will there be deed restrictions on the 160’s to not allow further subdivision? *Yes.*
- Why the changes in the Creek names? *Because most of it is Burnt Creek with Bradley Creek running into it.*
- How many homesites were there on the east side? *There were 40.*
- Were there any comments from wildlife biologists re: migration from the east side to the west by antelope? *There is corridor connectivity across the highway. There was no comment regarding east to west migration.*
- Will the covenants from the previous proposal be carried forward, covering subjects such as food storage, fencing, lighting etc? *Yes.*
- Have you dealt with the debt load on the streams? *Have reduced it to 3 crossings, Burnt Creek will not have a road along it and there will be crossings instead of fords.*
- Where are you with access to Highway 287? *Previous application showed two on the east side and two on the west. The ones on the west are existing. MDOT had previously approved them, but they are being re-visited and we will be updating the traffic study.*
- Will there be turn lanes on 287? *MDOT is considering it and will be based on risk management concerns of the state. This is a state highway and you can’t force the state to put in a turn lane. We can point out concerns. Kevin will send MDOT a letter asking specifically about turn lanes.*
- What was the number reduced from the last proposal? *Added five lots to the northern cluster and keeping loop roads for emergency services. We want to keep the loop roads for emergency access to the 160’s.*
- What about emergency access along Hard Tack. *It is good, but there might be one tight spot they might have to address.*
- Can the driveways be moved out of the riparian area? *We will where we can.*
- Emergency services, fire truck, emergency access are issues. They need to be kept accessible. *They will be built to county standards and will be accessible by fire trucks.*
- Are they keeping the route for the Bausch cattle drive? *It is still there and is deeded and will exist as long as the Bausch ranch is a cattle ranch regardless of ownership.*
- We would like one more field trip. *Ok.*
- What about the timing and build-out for phasing? *Optimally it is five years for all four phases. We may rough-in the roads at one time, but not plat all at once. We will combine phases to maximize the marketing.*

- Will you sell the duplex lots or develop them? *We have not decided. If the county wants to own the duplex or house then we would assist. Or we would set the value of the lot to a local builder to make it affordable to a buyer with a reasonable profit range.*
- Can you see the windmills from there? *I don't know if we will see them.*
- We encourage down cast lighting. *Ok.*
- There was a house on the ridge in our previous visit. *There will not be houses on ridges.*
- *Kevin Spencer-We are remodeling the barn and were thinking of putting in a couple of rooms for guests in it? What does the Planning Board think?* John Lounsbury- That would be ok.

AIRPORT AFFECTED AREA REGULATIONS

Charity Fechter reported on the proposed regulations and then asked Rick Donaldson, an engineer with Peccia and Associates of Helena, to provide detailed information. Donaldson said that he had been working with Madison County and the Airport Board for several years on improvements to the Twin Bridges airport. In response to FAA requirements, the County needed to implement Airport Affected Area Regulations for county airports. He stated that the Town of Twin Bridges would also need to adopt these regulations as a portion of the AAAR planning zone for the Town of Twin Bridges. The focus of the regulations is hazard removal and mitigation relating to airport operations. Specifically, flight paths and property located adjacent to the runways should be kept free of obstacles and incompatible development that may place a large number of people in harm's way should a crash occur. Federal funding, i.e. grants, require implementation of AAAR. Donaldson noted that state regulations (MCA) relating to airports have been updated recently to facilitate implementation of the proposed AAAR. On behalf of the County, Donaldson had prepared a draft AAAR ordinance for Planning Board and Airport Board input, prior to consideration by the County Commissioners. Donaldson gave an overview of the proposed ordinance and presented a 3D airport model depicting the spatial relationships of flight paths relative to runway operations and design. He stressed the importance of protecting the County's investment in these public airports through on-going federal assistance. Charity concurred with this. Donaldson described different design layouts of the County's two airports and how that impacted the size and orientation of the affected areas.

Ann Schwend inquired about the permit process and the Planning Boards' involvement. Donaldson replied the Planning Board would review and issue routine permits under the proposed ordinance and the Airport Board would address the technical aspects of variance requests.

Staff Report

To: Madison County Planning Board
From: Charity Fechter, Planning Director
Date: February 14, 2008

Subject: Airport Affected Area Regulations – Presentation

Recommended Action: Receive presentation, comment on proposed regulations, and possibly set a public hearing date.

Proposal:

The Madison County Airport Advisory Board proposes that Airport Affected Area (AAA) regulations be adopted to promote the public health, safety and general welfare of airport users and persons and property in the vicinity of the Twin Bridges and Ennis – Big Sky Airports. The proposed Ennis-Big Sky affected area is wholly within the County's jurisdictional area. The Twin Bridges Airport affected area is partially within the County and partially within Twin Bridges. On behalf of the Airport Advisory Board, Rick Donaldson, Robert Peccia & Associates, will present the draft maps and ordinance text to the Planning Board.

Background:

The proposed regulations are based on the civil airport imaginary surfaces established in Section 77.25 of the Federal Aviation Regulations (FAR). These imaginary surfaces are illustrated in the attached drawing (Attachment A) with accompanying description (Attachment B). A copy of the draft regulations is attached, with the maps showing the imaginary surfaces and proposed Airport Affected Area for each of the two airports.

The draft regulations include 7 sections, as follows:

Section 1 – General Provisions

Covers the title, authority, purpose and intent, the designation of the airport affected areas, where the regulations apply, and the severability in the event some portion of the regulations is invalid.

Section 2 – Definitions

Section 3 – Administration

Covers who is responsible for administering the regulations, the fees, permit procedure, variances, appeals, enforcement, penalties, use of injunctions, and immunity.

Section 4 – Airport Affected Area

Explains the zones and the height and land use restrictions associated with the zones.

Section 5 – Nonconforming Uses

Describes the circumstances under which nonconforming trees, uses or structures may continue to operate without being required to comply with the regulations.

Section 6 – Amendment of Regulations

Section 7 – Additional Provisions

Covers acquisition of property rights and relationship to zoning regulations.

Adoption Process:

After its public hearing, the Planning Board will make a recommendation to the County Commission and the Town of Twin Bridges. Twin Bridges and Madison County would then hold a joint public hearing on the proposed ordinance. If they choose to proceed, they would pass a Resolution of Intention to create the Airport Affected Areas. The 30-day comment period would then open with publication of the resolution in *The Madisonian*. The County and Twin Bridges would then adopt the ordinance. The ordinance could not take effect for 30 days. Due to the technical nature of the proposal, Donaldson suggested that the next step in the development of the ordinance involve review by Charity as Planning Director and a pilot and the Airport Board. The updated proposal would then be submitted to the Planning Board for review and comment at a public hearing in the future.

Jeff Lazslo, a property owner in the vicinity of the Ennis airport, asked the Planning Board to carefully consider the need for this additional regulation, in light of the large number of existing conservation easements in the affected area. John Lounsbury suggested adequate protection from development is already in place and the proposed regulations may negatively impact property values in the area. He asked that the affected zone be kept as small as possible to minimize impacts to neighboring properties.

TOWER APPLICATION FROM SAGEBRUSH ENERGY, Norris Hill Wind Project, located on the west side of Bradley Creek. 1.5 miles south of Norris.

Ben Ellis of Sagebrush Energy gave a detailed presentation of the project's potential merits and drawbacks. He stressed the importance directed toward protecting public safety and minimizing negative impacts on the local scenery and wildlife. He described the towers to be 250 feet tall to the hub. The total height, including the propeller, is 400 feet. He commented that the project will provide increased tax revenues to the County and provide significant local income during the construction period. The tower locations have been carefully selected to maximize energy generating efficiency while minimizing visual impact on the surrounding countryside. Ben Ellis presented the results of environmental studies relating to wildlife and birds, indicating that impacts are minimal due to improved design of the towers and generators. He also stated that studies have not shown a negative impact on property values in proximity to wind farms. He stressed the importance of developing alternative energy sources such as wind energy and that Madison County enjoyed an extensive and valuable wind resource. He asked the Planning Board to help the county develop new policies to guide the development of wind farms in Madison County.

The Planning Board members asked questions:

- How much energy would be produced and how many houses could be powered by the project? *He answered that 7000 homes (20 megawatts) and the power would be distributed through the local power grid, presumably for local use.*
- What is the life expectancy of the project? *Hopefully a minimum of 20 years. Due to the high cost of construction, such projects are typically not profitable for the first 15 years.*
- Will local jobs be created? *Possibly a few. Most of the staff will operate out of a remote location and respond as needed to the Norris site.*

- What other wind projects has Sagebrush Energy been involved with? Several in Montana, including Havre and Livingston.
- As time goes by, will the number of towers on this site be increased? *No. The site is designed at its maximum capacity of 8 towers on 600 acres.*
- Ellis Thompson, a local property owner, stated that this proposal was moving ahead very quickly and questioned the claim that the impact on property values would be negligible. He suggested that Sagebrush Energy should purchase his land to alleviate this concern. He asked the county to take a slow and deliberate approach to reviewing this proposal and seek out additional public input before making a decision.
- Lisa Eckert, a nearby property owner, expressed support for Ellis Thompson's views and asked the county to evaluate the impacts of such projects based on independent research findings.
- John Thiede, a property owner in the area, expressed concern about the visual impacts and also asked the county to include a bonding requirement to cover the costs of removing or repairing the towers once their life expectancy has been exceeded. He cited examples in Livingston where towers have been neglected with little local recourse. *Ben Ellis expressed support for the county requesting bonding to cover such costs. Ann Schwend indicated that bonding would be a wise thing for the county to require.*

Staff Report

To: Madison County Planning Board
From: Charity Fechter, Planning Director
Date: February 19, 2008

Subject: Sagebrush Energy – Norris Hill Wind Project

Proposed: Eight (8) 2.5 megawatt turbines with a maximum hub height of 80 meters (262 feet) for the Norris Hill Wind Project.

Landowner: Sagebrush Energy, LLC
 Attn: Benjamin H. Ellis
 25 S. Willow, Suite #201
 Jackson, WY 83001

Operator: Sagebrush Energy, LLC

Site: 600 acres located 1.5 miles south of Norris on the west side of Bradley Creek, 369 Bradley Creek Road, also described as W1/2, NE/14, S1/2SE1/4, NW1/4SE1/4, Section 25, T. 3 S., R. 1 W., P.M.M.

BACKGROUND:

The proposed wind energy conversion system (WECS) falls under the permitting requirement of Madison County Ordinance No. 1-2003. The 8 proposed towers would have a hub height of 80 meters, or 262 feet. They would be erected on the 600-acre property located in Section 25, Township 3 South, Range 1 West, along the west side of Bradley Creek Road.

A 164-foot anemometer tower was permitted on the property in 2007 as a temporary structure to measure wind capabilities on the site for a period not to exceed two years. An old ranch road passes through the site, which is surrounded by both public and private lands.

Site Development:

In addition to the 8 turbines, the project will include roads, buildings and switchyards, and a shop and operations building with parking and a fenced storage area. The switch and yard substation area of about 120 ft. by 140 ft. will be fenced. All disturbed areas not needed for site operation and maintenance will be reclaimed. The turbines will be located on 160'x50' hardened pads next to the access road.

Bradley Creek Road, Easements, Rights of Way

The turbines will be delivered to the site via 287 from Three Forks to Bradley Creek Road. Sagebrush Energy will pay to upgrade Bradley Creek Road to include the improvements to needed to ensure year round access for maintenance personnel and heavy equipment.

No rights of way or electrical easements are required for the project. The electricity generated by the project tie into the Northwestern Energy's existing transmission line.

Employment and Taxes

Once construction is completed, the project will employ at least 2 employees to maintain the turbines on site. If the County designates wind energy as a "new" or "expanded" industry, the expected tax revenue from the project over the 20-year project life is \$2,556,150, with \$1,438,891 or (56%) in the first nine years.

Public Notice:

- Notification letters were sent by the applicant on January 15, 2008, to adjacent landowners, agencies, and landowners within one-half mile of the site.
- The applicant advertised and held an open public meeting on the project in at the Madison Valley Rural Fire Hall in Ennis on February 26, 2008.
- Madison County Planning sent notification letters by first class mail to adjacent landowners and those within ½ mile of the site on February 19, 2008.
- The Commissioners public hearing was advertised in the February 21 and 28 issues of *The Madisonian*.
- Copies of the application were available at the Madison County Commissioners Office, Madison County Planning Office, and the Madison Valley Library in Ennis.
- The application was posted on the Madison County website at the following address:
http://madison.mt.gov/departments/plan/current_proposals.asp

RECENT PUBLIC AND AGENCY COMMENTS:

The 45-day comment period ends on February 29, 2008.

LANDOWNER CONTACTS	
Contact Name	Comments
Donald Hansard, Jr.	
Micky and Judy Jackson	
Diane Stevens	
Justin and Vonda Todd	
Bradley Creek Ranch	
Byrum Owens	
Ellis Thompson	
Greg and Lisa Eckert	
Barry and Trudy McClean	
Bob Brekkee (MSU Farm Manager)	
Madison Ranger District, USFS	
AGENCY CONTACTS	
Contact Name	Comments
Montana Dept. of Transportation Aeronautics Division	
Montana State University, Land Management Division & Red Bluff Field Station	
Madison County Airport Board	
Montana Dept. of Natural Resources & Conservation	
USFWS/ES Billing Office	
USFWS/Ennis	
US DOT/FAA, Washington, DC	
Madison County Weed & Pest	
Madison County Road Supervisor/Board of Commissioners	
Madison County Emergency Management, Virginia City	
Madison County Emergency Management, Harrison	

US BLM/Dillon Resource Area	<p>February 8, letter from Tim Bozorth, Field Manager (attached)</p> <ul style="list-style-type: none"> • Strongly support efforts to develop non-fossil fuel energy sources • Have concerns regarding avian wildlife impacts at this site. • A study done in mid-1990's to inventory and monitor bird movements over Norris Hill. • Lies in a strong spring and fall migration corridor for songbirds, hawk, eagles and wildfowl. • Recommend that <ul style="list-style-type: none"> ○ post-construction monitoring be implemented to document the impacts. ○ Utilize the shortest tower height possible to reduce potential collision mortality
-----------------------------	--

A public hearing before the County Commission is scheduled for 4:30 p.m. on March 11, 2008.

STAFF DISCUSSION:

In accordance with Ordinance No. 1-2003, the tower permit application must be reviewed against three criteria.

1. Public Safety

The proposed towers exceed 200 feet, so the Federal Aviation Administration (FAA) was notified and has issued a determination that there would be no hazard to air navigation, provided the structure is marked and/or lighted in accordance with FAA Advisory Circular 70/74601-K Change 2. This circular notes the towers should be painted white and have synchronized red lights.

To minimize lighting, Sagebrush Energy is requesting that the FAA approve lights on only two of the 8 turbines, defining the eastern and western edge of the project. This configuration would mark the entire area as an obstacle for pilots; FAA approval is required.

2. Compatibility with Adjoining Land Uses and Scenic Resources

The towers would be visible from Highway 84 and US 287, though Norris Hill generally blocks the view of the turbines to the south in the Madison Valley and Ennis. Bradley Creek Road will need to be upgraded to bring in the towers to the site. Downcast security lighting will be used. Based on documents provided, the noise from these towers would be less than the sound the wind itself makes.

The Madison County Weed Board has approved a noxious weed management plan for the site.

3. Impacts on Migratory Birds

The applicant is suggesting that white lights be allowed to reduce avian mortality, except at the four corners of the development. This would require FAA approval.

Conditions of Approval / and Other Requests

Sagebrush Energy has outlined specific conditions they will meet for the project, requested that the County designate wind energy projects as "new" or "expanded" industry, and are requesting a variance to the setback at the southeast corner of the property.

- **Insurance** – The application did not include the insurance. The applicant is proposing to provide a copy of the Certificate of Insurance for the site 30 days before construction begins. The final amount would exceed the standards required by Madison County Ordinance No. 1-2003 and MCA, 2-9-108.
- **Aviation** – An additional approval from the FAA is required for the cranes that will place the towers, as they will operate above the tower height. The required FAA permits would be acquired prior construction. The applicant will provide the County Airport Board a map of the final turbine locations 30 days before construction of any features that protrude significantly above the landscape.
- **Building Permits** – Required permits will be applied for once the plans are finalized.
- **Grading & Erosion** - A Storm Water Discharge Permit will be acquired from DEQ prior to construction, a grading and erosion control plan will be filed with the county prior to site disturbance, and they will develop a comprehensive grazing plan for the property.

- **Final Site Layout** – A detailed map of the site will be provided to Madison County showing the location of site roads, towers and building at least 5 months prior to construction. The buildings and support infrastructure will be sighted to minimize visibility from Bradley Creek Road.
- **Modifications to Bradley Creek Road** – Sagebrush Energy will work with Madison County to make necessary modifications to Bradley Creek Road. A detailed turbine transportation schedule and transportation plan will be provided to the County and relevant local, state and federal agencies prior to turbine delivery.
- **Request #1** – The Montana Legislature has authorized the County to designate wind energy projects as a “new” or “expanded” industry in order to encourage wind energy development. The effect of this request is to reduce the taxable value for the first nine years of operation.
- **Request #2** – The required setback for wind towers is 120% of the maximum height from rights-of-way, property lines, or overhead power lines.. Sagebrush Energy is requesting that the setback be reduced to 100% of the maximum height for overhead power lines and utility rights-of-way for the project. This would affect one turbine in the southeast corner of the project.

Planning Board Review and Comment

Madison County Ordinance No. 1-2003 does not require Planning Board review. The County Commission has requested that the Planning Board review and comment on the proposed project.

STAFF CONCLUSION AND RECOMMENDATION:

Staff’s preliminary conclusion is that the proposed towers meet the requirements of Madison County Ordinance No. 1-2003. A final recommendation will be made following the conclusion of the 45-day comment period.

OLD BUSINESS

Streamside Protection Regulations, Status Report

Jim Jarvis presented a staff report to Planning Board members outlining the proposed membership and purpose of a steering committee to help guide future evolution of the proposed streamside protection regulations. The committee is intended to provide an opportunity for stakeholders on both sides of the proposal to have a say in its composition. Concern was expressed on how to ensure the proposal was given a fair and honest review. A suggestion was made to have an independent facilitator assist in the committee review. Jarvis asked for recommendations from the Planning Board for persons to fill the last few remaining openings on the 11 person committee. Ann Schwend suggested Planning Board members not be on the committee to ensure its independence. Allowing for notification requirements, Jarvis indicated the first committee meeting was scheduled for early March.

Planning Board Reports

Ann Schwend commented on the No Adverse Impacts (NAI) conference that was held last week in Fairmont Hot Springs. The conference, hosted by the Big Hole River Watershed Foundation, was well attended by over 100 persons associated with floodplain and natural hazard management. In addition to Jim Jarvis, planner II, four members of the Planning Board attended.

Planning Board/Commissioner Workshop

Charity Fechter reminded the board of the upcoming Workshop relating to legal issues and liabilities that apply to public officials. The workshop will be held in Sheridan at 9 a.m. at Bethany Hall.

The meeting adjourned at 9:50 p.m.

Ann Schwend, President

Marilee Foreman Tucker,
Secretary/Treasurer